

REMARKS

Claims 15, 17-19, 21-24 and 28-31 are pending in this application. Favorable consideration is requested.

Claims 15, 17-19, 21-24 and 28-31 stand rejected under 35 U.S.C. 103(a) as allegedly being obvious over Moryama in view of Chen. Applicants respectfully traverse the rejection.

Applicant submits that the Office Action does not provide a *prima facie* case of obviousness for at least the following reasons.

The Office Action cites to Moryama at page 5, lines 17-31, and contends that this disclosure teaches the claimed steps of:

- (a) collecting waste carpeting containing calcium carbonate and thermoplastic materials;
- (b) processing the waste carpeting to provide a first material from the waste carpeting containing a first filler including the calcium carbonate and the thermoplastic materials and reducing the first material to a predetermined size in a range of 50-100 to 95-325 wherein the first number represents the percentage of the first material which will pass through a mesh screen having a mesh size corresponding to the second number, and heating the first material to a temperature enabling the first material to flow, but not completely melted;
- (c) adding the first material to a second material to provide a composite material useful in the manufacture of the new carpet, including processing the composite material into molten form having a viscosity in a range of 10,000-30,000 CPS; and
- (d) making the new carpet containing the composite material.

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The Office Action's contention is incorrect. More correctly, the cited page and lines of Moryama teach the following completely different process:

- (a) collecting edge waste carpeting 4,
- (b) grinding edge waste carpeting 4 into waste carpeting pieces 5,
- (c) adding the dry waste carpeting pieces 5 to ethylene/vinyl acetate copolymer,
- (d) mixing the waste carpeting pieces 5 and ethylene/vinyl acetate copolymer and heating the mixture to 170 degrees C,
- (e) after the mixture was "melted" and mixed," the resin mixture was granulated using a cooler mixer to give resin granules,
- (f) extruding the granulated resin material to form a sheet,
- (g) pressing the sheet onto a carpet material.

These steps are quite different than the claimed invention – and nowhere mentions or suggests the various steps of the claimed invention, e.g., use of "heating the first material to a temperature enabling the first material to flow, but not completely melted." Moreover, the Office Action's cited portion of Moryama even teaches that "the temperature used in the melt-extruding process was below the melting point of the carpet material ("the carpet material was not melted, fiber 11 will remain intact" – see lines 12-13 on page 5 of Moryama) but above the melting point of the backing material and the melting point of the resin added." Thus, Moryama consistently teaches "melting" certain components and not melting the carpet fibers – which is different than the claimed invention that requires, among other things, "heating the first material to a temperature enabling the first material to flow, but not completely melted."

Chen does not overcome Moryama's various deficiencies. As noted previously, Chen merely concerns the use of a powder being applied in a dry form. Thus, neither Moryama nor Chen disclose or suggest the claimed invention that requires the heating of a first material to a temperature enabling the first material to flow, but not completely melted.

Moreover, neither Moryama nor Chen teach or appreciate the particular claimed process that also requires within it: "reducing the first material to a predetermined size in a range of 50-100 to 95-325," which is critical to avoid foaming problems in the claimed process. See, e.g., page 6, lines 4-7.

Further, neither Moryama nor Chen teach or appreciate the particular claimed process that also includes within it the claimed feature of "adding the first material to a second material to provide a composite material useful in the manufacture of the new carpet, including processing the composite material into molten form having a viscosity in a range of 10,000-30,000 CPS."

For at least the foregoing reasons, applicant submits that the cited references do not render obvious the claimed invention.

In view of the foregoing remarks, applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

If the examiner has any questions concerning this case, the undersigned may be contacted at 703-816-4009.

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Respectfully submitted,

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